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CITY OF SANTA CRUZ and SANTA

CRUZ CHIEF OF POLICE HOWARD SKERRY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

LARRY WARREN, individually,

Plaintiff,

vs.

CITY OF SANTA CRUZ, a public entity,
SANTA CRUZ CHIEF OF POLICE
HOWARD SKERRY, in his individual and
official capacities, and DOES 1 through 10,
Jointly and Severally,

Defendants.

CASE NO. C08-01311-JW

DECLARATION OF BARBARA H. CHOI IN
SUPPORT OF CASE MANAGEMENT
CONFERENCE STATEMENT

I, Barbara H. Choi declare as follows:

1. I am an attorney licensed to practice before the courts in the State of California and have been admitted to practice before this court.
2. I am the attorney of record for defendants City of Santa Cruz and Santa Cruz Police Chief, Howard Skerry in this action. I have personal knowledge of the matters herein and if called upon to testify, can do so competently.
3. In preparation for the case management conference, I telephoned plaintiff, Larry Warren, on August 26, 2008 in an effort to meet and confer with him regarding the case. Plaintiff stated that he was still looking for an attorney. Plaintiff did not know about the court rules to meet

1 and confer. I asked him to consider how he would like to proceed with the case and that we
2 would speak again later.

- 3 4. On September 1, 2008, I attempted to discuss Alternative Dispute Resolution options with
4 Plaintiff. Since he did not understand the various choices, I suggested that we agree to
5 making a request for a telephone conference with the court. He stated that he did not want to
6 be at a disadvantage by resolving the case early. I attempted to explain the ADR process, but
7 Plaintiff did not understand the purpose of ADR. I asked him to think about it and that I
8 would call him back in a few days. I also tried to discuss the requirements for filing a joint
9 case management conference statement, but without success.
- 10 5. On September 4, 2008, I again explained the ADR options and the case management
11 conference requirements. Plaintiff did not understand and I repeated my explanations several
12 times. Plaintiff then seemed to agree to the option of having an ADR phone conference.
13 Plaintiff still did not understand the requirements for the case management conference. I
14 suggested that I prepare the joint case management conference statement for his review and
15 comment the next day in order to comply with the filing deadline. Plaintiff advised me he
16 does not have any email address. I thus asked if Plaintiff could come into my office to sign the
17 Notice of Need for ADR Phone Conference and review the Joint Case Management
18 Conference Statement on Friday, September 5, 2008 at 1:00 p.m. Plaintiff agreed to come
19 into my office the next day.
- 20 6. On Friday, September 5, 2008, Plaintiff did not come into my office at 1:00 p.m., as he had
21 previously agreed. I thus telephoned him about 2:00 p.m. asking if he was coming to the
22 office. Plaintiff said he could not make it. I then asked him if he could come in on Monday
23 to review and sign the documents for filing. Plaintiff said he would come in on Monday,
24 September 8, 2008, at 10:00 a.m.
- 25 7. On Monday, September 8, 2008, Plaintiff again failed to appear at my office. Plaintiff did
26 not contact me to notify me of his reason for failing to appear. Despite my numerous
27 attempts to meet and confer with Plaintiff, Plaintiff has not cooperated. As such, I am filing
28 the case management conference on Defendants' behalf only. Due to Plaintiff's failure to

1 comply with court rules and procedures, in particular, the ADR options, I am unable to
2 choose an ADR option in this case. Due to the difficulty of coordinating with Plaintiff, who
3 is currently, in pro per, and in consideration of the summary of my interactions with Plaintiff,
4 I request that the court, on its own motion, relieve this case from the ADR program.
5

6 ATCHISON, BARISONE, CONDOTTI &
7 KOVACEVICH
8

9 Dated: September 8, 2008

By: Barbara H. Choi
10 BARBARA H. CHOI
11 Attorneys for Defendants
12 CITY OF SANTA CRUZ, POLICE CHIEF
13 HOWARD SKERRY
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Larry Warren v. City of Santa Cruz, et al.

United States District Court Case No. C08-01311-JW

PROOF OF SERVICE

I am employed in the County of Santa Cruz, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 333 Church Street, Santa Cruz, California 95060.

On the date set forth below, I served the following document(s):

**DECLARATION OF BARBARA H. CHOI IN SUPPORT OF CASE
MANAGEMENT CONFERENCE STATEMENT**

on the interested party(ies) to said action by the following means:

[*] **(BY MAIL)** By placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, for collection and mailing on that date following ordinary business practices, in the United States Mail at the offices of Atchison, Barisone, Condotti & Kovacevich, Santa Cruz, CA, addressed as shown below. I am readily familiar with this firm's business practice for collection and processing of correspondence for mailing with the United States Postal Service, and in the ordinary course of business, correspondence would be deposited with the U.S. Postal Service the same day it was placed for collection and processing.

[] **(BY HAND-DELIVERY)** By causing a true copy thereof, enclosed in a sealed envelope, to be delivered by hand to the address(es) shown below.

[] **(BY FACSIMILE TRANSMISSION)** By transmitting a true copy thereof, from sending facsimile machine telephone number (831) 423-9401 to the following party(ies) at the receiving facsimile machine number(s) shown below. The transmission was completed, and the transmission report attached was properly issued by the transmitting facsimile machine.

[] **(BY OVERNIGHT DELIVERY)** By placing a true copy thereof, enclosed in a sealed envelope, with delivery charges to be billed to Atchison, Barisone, Condotti & Kovacevich, to be delivered by Federal Express, to the address(es) shown below.

[] **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 8, 2008, at Santa Cruz, California.


SUE ZIEBER

NAMES, ADDRESSES AND/OR FAX NUMBERS OF PARTIES SERVED:

Larry Warren
2990 Soquel Avenue
Santa Cruz, CA 95062